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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of:

Brian K. Courtney et al.

Serial No.: 09/872,068

Filed: May 31, 2001

For: EMBOLIZATION PROTECTION
SYSTEM FOR VASCULAR PROCEDURES

Group Art Unit: 3763

Examiner: Lina Kontos

OFFICIAL

AMENDMENT AFTER FINAL PURSUANT TO 37 CFR § 1.116 AND RESPONSE

MAIL STOP AMENDMENT AFTER FINAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated March 22, 2004, Applicant submits this amendment and response under 37 CFR § 1.116. The following amendments address the issues raised in the final office action regarding the disclosure of Johansson et al. US 2001/0039411 A1 under both § 102(e) and § 103(a). The final action was the first citation of this reference or any member of the related family of references. Accordingly, the issues of the disclosure of this reference and the applicability to the pending claims was first raised in the final office action and

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being faxed to Examiner Lina Kontos at 703/872-9402 at the United States Patent and Trademark Office, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Date of Faxing: May 7, 2004

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Lynne Fulmer

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could not have been addressed previously. Therefore, the following amendments are proper at this stage and Applicants respectfully request entry of these amendments or withdrawal of the finality of the last office action. Because the final office action contained only prior art-based rejections using Johansson et al., or as the sole reference under § 102(e), or as the primary reference for a § 103(a) rejection, and because the following amendment distinguishes Johansson et al. and thereby transversoes the only rejections pending, applicants submit that the present amendment places the claims in condition for allowance and is also proper at this stage on that basis.

Please amend the application as follows: